

1 that these judges shall sit in panels.

2 I am concerned that the General Assembly
3 would say, well, we think there ought to be nine
4 judges in order to take care of the business of the court,
5 but they will never take care of that business if all nine
6 sit together. They will take care of that business if
7 they can sit in panels of three; so that in effect you
8 really would have three courts, three panels of three
9 could be operating at any one time.

10 The amendment accomplishes this by striking out
11 those words on line 39 in section 5.06 which say, that
12 the court, the Court of Appeals, not even this court,
13 not the intermediate appellate court, but the highest
14 court can by its rule set up the panel, because then, as
15 I understand this, the committee's proposal, the last
16 section, which is section 531, would be operative in that
17 it says except as to matters specifically provided to be
18 taken care of by rule; then both the court, the Court of
19 Appeals and the General Assembly have the power to
20 establish or to make the rule to establish these panels.
21 I think the practical effect of that would be that the